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8 UNITED STATES BANKRUPTCY COURT
9 FOR THE DISTRICT OF OREGON

10 In Re:) Bankruptcy Case
11 MICHAEL ROSS WARE,) No. 08-62504-fra7
12)
13) MEMORANDUM RE: DEBTOR'S
14) OBJECTION TO COMPENSATION OF
15) TRUSTEE'S ATTORNEY
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14 The Debtor, upon receipt of the Trustee's final report, filed
15 an objection to the amount proposed to be paid to the Trustee's attorney.
16 The Court has reviewed the attorney's proof of claim, and determined that
17 the objection should be overruled.

18 This case was commenced on July 14, 2008. Before it was
19 concluded the Trustee was involved in two adversary proceedings, and had
20 to undertake substantial efforts to recover estate assets, including a
21 claim pursued by the Debtor against third parties. Trustee's counsel,
22 employed pursuant to an order entered on October 15, 2008, was required
23 to advise the Trustee regarding the estate's rights to proceeds of a
24 legal malpractice claim settled by the Debtor pre-petition, mining claims
25 claimed by the Debtor, and a cause of action asserted by the Debtor
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1 against Bank of America and other creditors. Counsel was also required
2 to advise the Trustee respecting the Trustee's intervention in an
3 adversary proceeding commenced by the Debtor. That matter was eventually
4 settled with counsel's assistance. Finally, counsel appeared for the
5 Trustee with respect to the Trustee's objections to Debtor's claimed
6 exemptions.

7 The Debtor's objection does not point to any particular
8 activity, or the time involved. His objection rests on his view that the
9 Trustee's activities were inappropriate and unfair to the Debtor, that
10 the Trustee's decision to settle the Bank of America litigation was
11 inappropriate, and that the attorney's activities displayed a level of
12 incompetence rendering his \$210 hourly rate inappropriate.

13 I have reviewed the record in the main case and associated
14 adversary proceedings, and find that all were appropriately pursued and
15 concluded. I further find that \$210 per hour is a common and appropriate
16 rate for legal services provided to trustees in western and southern
17 Oregon. I have reviewed the detailed billing attached to the attorney's
18 proof of claim, and find no entries that I find to be inappropriate,
19 either with respect to the activity undertaken or the time expended.

20 To be sure, the total claim of \$19,955.64 seems quite high when
21 compared to the assets available in the case. However, the efforts
22 undertaken by the Trustee and his attorney are almost entirely in
23 response to inappropriate conduct on the part of the Debtor, such as his
24 pursuit of the Bank of America claim, which was an asset of the estate.

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1 In short, I find no basis for the Debtor's objection to the Trustee's
2 attorney's fees, and find that the objection should be overruled.

3 The foregoing constitutes the Court's findings of fact and
4 conclusions of law. An order overruling the Debtor's objection has been
5 entered contemporaneously with this memorandum.

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9 FRANK R. ALLEY, III
10 Bankruptcy Judge
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